REMARKS

Claims 1-4 are pending in the present application.

Claim 1 has been amended to positively recite that the particle sizes of the polymer electrolyte are different. Support for this amendment in located at least in paragraph [0031] of the present published application (U.S. Published Patent Application No. 2002/0182478). Claims 3 and 4 have been amended to correctly depend from claim 1. Therefore, no new matter is being added by way of this Amendment and entry thereof is respectfully requested.

Applicants acknowledge and appreciate the Examiner's indication that the previous § 112 rejection and § 102(b) and § 103(a) rejections based on U.S. Patent No. 5,766,788 to Inoue have been withdrawn in view of Applicants' previous amendments and remarks. The Examiner indicates that claims 3 and 4 have only been objected to as being dependent on a rejected base claim but would otherwise be allowable if rewritten in independent form. However, the Examiner has maintained the rejection of claims 1 and 2 based on U.S. Patent No. 5,728,485 to Watanabe ("Watanabe").

Specifically, the Examiner has maintained the rejection of claims 1 and 2 under 35 U.S.C. § 102 (b) as anticipated by or in the alternative under § 103 (a) as obvious over Watanabe for the reasons set forth in the previous Office Action. The Examiner maintains that Watanabe does disclose that in the first coating step, the amount of polymer electrolyte is such that the support catalysts are completely coated with the electrolyte. The Examiner concludes that since the carbon fibers and the granular carbon particles are allegedly different in size, the size of the solid polymer electrolyte completely covering the carbon fibers and the granular carbon particles would also inherently be different in size. The Examiner specifically notes that the claims do not recite that the particle sizes of the electrolytes are different.

While not necessarily agreeing with the Examiner, claim 1 has been amended to positively recite that particle sizes of the polymer electrolytes are different. As previously explained on the record, Watanabe does not teach or suggest this element of Applicants' invention. Placing an electrolyte on a support catalyst (as disclosed in Watanabe), which includes carbon fibers and particles which are different in size, does not create an electrolyte that is different in size – it merely creates electrolyte-coated support catalysts which are different in

size. Nevertheless, claim one has been amended to positively recite the particle sizes of the first and second conductive polymer electrolytes are different in size.

In light of the amendments presented above, it is respectfully requested that the present invention is not anticipated by and is not obvious over Watanabe. Therefore, it is respectfully requested that the rejections under 35 U.S.C. § 103(a) and § 102(b) be reconsidered and withdrawn.

In light of the above remarks and amendments, it is respectfully submitted that the application is in full condition for allowance. Accordingly, a Notice of Allowance is respectfully requested.

Respectfully submitted,

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Jan. 24, 2006 By: Colleen R. Butcher
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Enclosures: Two Month Petition for Extension of Time;
Request for Continued Examination